

**REMARKS****Specification**

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter set forth in claim 7. A proper antecedent basis is provided at page 4, beginning at line 13 of the specification. For further clarity and ease of understanding to those in the art who will read the patent when issued, please amend the specification by repeating the statement: "The engine powering the propeller of the present invention is preferably a variable speed engine operable in a single rotational direction." at the end of the first paragraph on page 9, line 5 of the description.

Applicant believes that the foregoing is responsive to the objection raised.

**35 U.S.C. §102 Rejections**

Claims 1-11, 16, and 21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Bertelsen.

Claim 1 has been amended to require that the means for propelling include means for rotating the propeller about a transverse horizontal axis from a first position in which the axis of the propeller is disposed horizontally to produce a thrust to move the boat forward through a second position in which the propeller produces a neutral thrust to a third position in which the axis of the propeller is disposed horizontally to produce a thrust to move the boat in reverse. The Bertelsen reference cannot position the propeller in a horizontal position to produce a propelling thrust. Because Bertelsen teaches a ground effect vehicle, it requires that the rear end fan arrangement produce both simultaneous lifting and propulsion. Figure 8b shows the approximate 45° limit of rotation from

gimbel's suspended position when the vehicle is moved forward as shown in Figure 8b and moved rearward as shown in Figure 9b. Also the constraint in the control mechanism of the forward and reverse movement is shown in Figure 7a. Thus, Bertelsen is incapable of positioning the propeller horizontally to produce a propelling thrust, as required by the present invention.

Claim 2 has been amended with similar limitations as claim 1, except that every one of the propeller positions is claimed. Moreover, claim 3 has been amended to make clear that it is the propeller that is rotated through a 180° arc about the horizontal axis to propel the air powered boat. None of the prior art discloses the full range of motion of the means to propelling, i.e., 180° and 360°, respectively, as is taught by the present invention. Again, as set forth above, the Bertelsen reference does not operatively rotate to this extent.

Claim 5 has been amended to make clear that the transverse horizontal axis is perpendicular to the longitudinal axis of the air powered boat, as shown in the drawing.

The remaining claims rejected under 35 U.S.C. 102(b) as being anticipated by Bertelsen are dependent upon amended independent claims 1 and 2 and entitled to patentability under the same basis as the independent claims on which they depend.

Reconsideration of Claims 1-11, 16, and 21-25 under 35 U.S.C. 102(b) as being unpatentable in view of Bertelsen is requested in light of the amendments and the arguments presented herein.

Based on the foregoing, applicant requests that Claim 1-11, 16 and 21-25, as amended, be allowed.

Claims 1-6, 8-16 and 21-25 have also been rejected under 35 U.S.C. 102 as being anticipated by Bjorn-Ake.

Like Bertelsen, Bjorn-Ake discloses a hover craft that simultaneously provides and requires

lifting and propulsion forces. In column 1, beginning at line 26, it states, "Each such structure has a rotatable fan which partly produces lifting force through the vertical component of air flow generated thereby and partly drives the craft forward through the horizontal component of the flow generated thereby." Moreover, Bjorn-Ake requires a hydraulic pivot means for rotation of the fan about an essentially vertical axis to obtain the steering properties of the craft (column 2, lines 43-46). Claims 1, 2, and 12 of the instant invention, as amended, include at least one neutral turning direction which results from rotating the means for propelling about a transverse horizontal axis. Amended independent claims 1, 2 and 12, do not require means for rotation of the fan about an essentially vertical axis, but instead use a neutral position which creates a torque to turn the boat.

The remaining claims 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, and 21-25 depend upon amended independent claims 1, 2 and 12 and are entitled to patentability on the same basis as amended claims 1, 2, and 12.

Reconsideration of claims 1-6, 8-16 and 21-25 as being unpatentable under 35 U.S.C. 102 (b) as being anticipated by Bjorn-Ake is requested in light of the amendments and the arguments presented herein.

Based on the foregoing, applicant requests that Claims 1-6, 8-16, and 21-25, as amended, be allowed.

#### **Allowable Subject Matter**

Claims 17-20 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 17 and 18 have been rewritten in independent form including all the limitations of

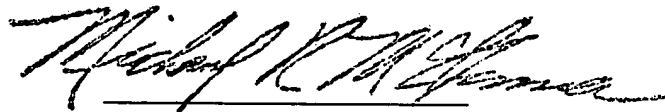
the base claim and any intervening claims, and claims 19 and 20 are dependent on said amended base claims, and allowance is respectfully requested.

Based on the foregoing, applicant requests that Claims 17-20, as amended be allowed.

**CONCLUSION**

For all the above reasons, applicant believes that all the claims presented in this application are allowable over the prior art, and any early allowance of the application is earnestly solicited. Formal drawings will be submitted upon notice of allowance.

Respectfully submitted,



Michael R. McKenna  
Registered Patent Attorney  
Reg. No. 32,368

MICHAEL R. MCKENNA  
500 West Madison Street  
Suite 3800  
Chicago, Illinois 60661  
(312) 321-0123

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450 on 10/19/04.

Date: 10/19/04 Signed: Ruth Zah Leub.